

OFFICIAL COPY

Fresno, California

December 8, 1998

The Council of the City of Fresno met in regular session at the hour of 9:06 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember (Arrived later)
	Chris Mathys	President

Absent:	Mike Briggs	Vice President (Resigned)
	Daniel Ronquillo	Councilmember (Out of town)

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Cindy Hamby, Deputy City Clerk

John Overstreet, Fresno Police Department Chaplain gave the invocation.

Students from Lawless Elementary School led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO “FIDENCIO AMEZQUITA AND VICTOR VALLEJO” - COUNCILMEMBER RONQUILLO ) )

Read and presented by Council Assistant Terry Cox.

PRESENTATION OF CERTIFICATES TO “1998 JUNIOR AND SENIOR TRI-COUNTY CHAMPIONS OF POP WARNER YOUTH FOOTBALL” - COUNCILMEMBER QUINTERO ) )

Presented.

PRESENTATION OF PERFECT ATTENDANCE AWARDS TO STUDENTS OF LAWLESS ELEMENTARY SCHOOL - COUNCIL PRESIDENT MATHYS ) )

Presented.

PROCLAMATION OF “HANDCUFFS DAY” - MAYOR PATTERSON )

Read and presented.

RESOLUTION OF COMMENDATION TO "CHRISTMAS AT THE MET" )  
- MAYOR PATTERSON )

Read and presented.

Council President Mathys introduced and welcomed students visiting from Heaton Elementary School.

RESOLUTION RECOGNIZING AND SUPPORT THE TRUST FUND )  
ESTABLISHED ON BEHALF OF TIFFANY PERRY, DAUGHTER OF JOYCE )  
AND JIMMY PERRY - COUNCILMEMBER PEREA )  
(FROM CITY COUNCIL ITEM 5C) )

Read and presented.

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**APPROVE MINUTES OF DECEMBER 1, 1998** )

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of December 1, 1998, approved as submitted.

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**APPROVE AGENDA:**

DISCUSSION AND DIRECTION RELATING TO THE BASEBALL STADIUM )  
ISSUE - COUNCIL PRESIDENT MATHYS )

Council President Mathys stated he did not support the above issue, but recommended Council meet in open session to discuss the stipulation of the deal wherein the Diamond Group is to provide \$23 million in private financing and in order for the various agencies to prepare any type of documentation, the loan commitment has to be in an irrevocable, written loan commitment, and requested the Diamond Group provide the necessary documentation to the City no later than December 31, 1998. President Mathys recommended discussion at the January 19, 1999 Council meeting, if the City Attorney is satisfied with the documents.

City Attorney Montoy stated before Council presented any deadlines to make a decision on the stadium issue, discussion could take place at the December 15, 1998, Council meeting, noted a list of timelines would be presented and briefly reviewed the status of the list of the numerous documents involved. With Council consensus, the baseball stadium item will be scheduled for the December 15, 1998 meeting.

(5A) DIRECT STAFF TO DRAFT A RESOLUTION TO NAME AND DESIGNATE )  
THE WISHON AND BROADWAY BIKE LANE THE "JOYCE PERRY MEMORIAL )  
BIKE ROUTE" - COUNCILMEMBER PEREA )

Laid over one week.

REQUEST COUNCILMEMBER QUINTERO SCHEDULE AN APPEARANCE )

BY JOE JOHNSON, TRIPLE A, TO PROVIDE UPDATE ON THE STATUS OF )  
THE \$1.5 MILLION TOWARDS A SENIOR CENTER - COUNCILMEMBER PEREA )

Councilmember Perea requested a status report be provided by Triple A relating to the Senior Center, stated an article in the Fresno Bee reported the Senior Center would require 70-80,000 square feet, adding \$1.5 million would not cover the cost of the land and advised the intent of Council was to use the funds to provide a Center immediately.

REQUEST A TIME CERTAIN FOR THE DECEMBER 15, 1998 COUNCIL )  
MEETING FOR THE APPEARANCE BY THE SAHAKIAN FAMILY - )  
COUNCILMEMBER PEREA )

Councilmember Perea stated the Sahakian family would like to make a presentation before Council regarding their property discussed in last week's closed session. With Council consensus the appearance scheduled for December 15, 1998, at 9:45 A.M.

( 2-0) REQUEST CLARIFICATION FROM CITY ATTORNEY REGARDING )  
DISCUSSION FROM DECEMBER 1, 1998 OF THE BASEBALL STADIUM )  
ITEMS -COUNCILMEMBER STEITZ )

Councilmember Steitz requested clarification on the motion made and voted upon at the December 1, 1998 Council meeting. City Attorney Montoy confirmed the motion very clearly stated the term "loan" and the intent was to proceed as if it was a loan transaction, noting a list of all the involved documents will be provided to Council.

(3B) APPROVE AMENDMENTS TO THE FRESNO MUNICIPAL CODE AND )  
THE MASTER FEE RESOLUTION TO CREATE THE SIMPLE TIERED EQUITY )  
PROGRAM (STEP) AND THE EMPLOYMENT DEVELOPMENT PROGRAM )  
(EDP) )  
1. BILL - REPEALING AND ADDING SECTIONS TO THE FRESNO MUNICI- )  
PAL CODE TO CREATE THE SIMPLE TIERED EQUITY PROGRAM )  
2. RESOLUTION - 358<sup>th</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 )  
TO ADD SEWER FACILITY CHARGES FOR INDUSTRIAL AND COMMERCIAL )  
USERS AND AMEND VARIOUS SEWER CONNECTION CHARGES )  
3. RESOLUTION - AMENDING THE MAP DESIGNATING THE HERNDON )  
TRUNK SEWER SERVICE AREA )  
4. RESOLUTION - 359<sup>th</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 )  
TO AMEND TRUNK SEWER CHARGES )

City Clerk Klisch advised items #3B-3 and #3B-4 are to be removed from agenda at the request of staff. Discussed later in the meeting.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried,  
RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys  
Noes : None  
Absent : Ronquillo

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**ADOPT CONSENT CALENDAR:**

**(1A-1) RESOLUTION NO. 98-365 - APPROVING FINAL MAP FOR TRACT NO. 4637, A 154-LOT COMMERCIAL AND INDUSTRIAL SUBDIVISION ON 234.7 ACRES, LOCATED ON THE NORTH SIDE OF W. HERNDON AVENUE BETWEEN N. INGRAM AND N. HARRISON AVENUES; AND AUTHORIZING THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN )**  
**AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR DISCLOSURES AND RESTRICTIONS; AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT )**

**(1A-2) APPROVE SUBSTITUTION OF SUBCONTRACTOR FOR CONTRACT WITH TRON CONSTRUCTION, INC., FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT FAR PART 150 SMART PROGRAM, PHASE 4 BID GROUP 8 CIP NO. 180513/5930 BID FILE NO. 1848-10022 )**

**(1A-3) RESOLUTION NO. 98-366 - DECLARING THE RESULTS FROM THE NOVEMBER 3, 1998, CONSOLIDATED GENERAL ELECTION )**

**(1A-4) RESOLUTION NO. 98-367 - 7<sup>TH</sup> AMENDMENT TO SALARY RESOLUTION NO. 98-161 INCREASING THE SALARY OF THE CITY CLERK )**

**(1A-8) APPROVE SUBSTITUTION OF SUBCONTRACTOR FOR CONTRACT WITH CHAMPION INDUSTRIAL CONTRACTORS, INC., FOR THE FRESNO POLICE HEADQUARTERS HVAC REMODEL CIP NO. 114900/5930 BID FILE NO. 1829-802 )**

**(1A-10) AWARD CONTRACT FOR FIVE (5) NEW POLICE MOTORCYCLES TO CLAWSON MOTORSPORTS IN THE AMOUNT OF \$52,754.40 )**

**(1A-11) APPROVE REAPPOINTMENT OF COUNCILMEMBER QUINTERO TO THE FRESNO MADERA AGENCY ON AGING BOARD AND APPOINTMENT OF WILSON H. HANNA IV TO THE HISTORIC PRESERVATION COMMISSION - MAYOR PATTERSON (FOR ADOPTION) )**

**(1A-12) APPROVE APPOINTMENT OF NORA J. RIVERA TO THE ROOSEVELT IMPLEMENTATION COMMITTEE - COUNCILMEMBER QUINTERO (FOR ADOPTION) )**

**(1A-13) ADOPT TRUST AGREEMENT BETWEEN THE CITY OF FRESNO DEFERRED COMPENSATION PLAN AND FIDELITY MANAGEMENT TRUST )**

COMPANY RELATING TO REVISIONS OF THE INTERNAL REVENUE CODE )  
SECTION 457; AND DIRECT THE DEFERRED COMPENSATION COMMITTEE )  
TO DO WHATEVER IS NECESSARY TO COMPLETE NEGOTIATIONS ON THE )  
TERMS AND CONDITIONS OF THE AGREEMENT SUBJECT TO FINAL )  
REVIEW AND APPROVAL BY THE CITY ATTORNEY AND TO EXECUTE THE )  
TRUST AGREEMENT )

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried,  
RESOLVED, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys  
Noes : None  
Absent : Ronquillo

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**(9:15 A.M.)** HEARING TO CONSIDER REZONING APPLICATION NO. R-98-23 )  
AND THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL )  
ASSESSMENT NO. R-98-23/C-98-156, FILED BY ORANGE AVENUE DISPOSAL )  
INC., PROPERTY LOCATED ON THE SOUTHWEST CORNER OF RICE ROAD )  
AND LANES ROAD )  
**1. BILL - AMENDING THE OFFICIAL ZONE MAP FROM AE-5/UGM ZONE** )  
**DISTRICT TO 0/UGM ZONE DISTRICT** )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing. Dirk Poeschel, representing the applicant, requested the hearing be continued to January 5, 1999.

Brief discussion ensued regarding concerns with the Conditional Use Permit, client's contribution of funds, the effect on the environment, the timeline for the appeal process, and the amount of traffic that will be generated. City Attorney Montoy clarified, for the record, any grant of this extension by Council is without prejudice to any statutory requirements, with Mr. Poeschel confirming.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried,  
RESOLVED, the hearing to consider Rezoning Application No. R-98-23 and the Mitigated Negative Declaration for Environmental Assessment No. R-98-23/C-98-156 continued to January 5, 1999 at 10:15 a.m., by the following vote:.

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys  
Noes : None  
Absent : Ronquillo

Debra North, San Joaquin River Parkway and Trust, thanked Council for the continuance.

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**(9:30 A.M. #1)** HEARING TO CONSIDER REZONING APPLICATION NO. )  
R-98-32, FILED BY ORLYN PRATT, FOR 0.15 ACRE OF PROPERTY LOCATED )  
AT 715 E. OLIVE AVENUE )

1. BILL NO. B-112 - ORDINANCE NO. 98-95 - AMENDING THE OFFICIAL )  
ZONE MAP FROM P ZONE DISTRICT TO C-6 ZONE DISTRICT )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing. Councilmember Quintero left the meeting at 10:15 a.m. and returned at 10:18 a.m.

On motion of Council President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the finding of the Negative Declaration for Environmental Assessment No. R-98-32 hereby approved; and the above entitled Bill No. B-112 rezoning the subject property from P to C-6 zone district hereby adopted as Ordinance No. 98-95, by the following vote:

Ayes	:	Bredefeld, Perea, Steitz, Mathys
Noes	:	None
Absent	:	Quintero, Ronquillo

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**9:30 A.M. (2) HEARING AS REQUIRED BY SECTION 147(F) OF THE INTERNAL )**  
**REVENUE CODE OF 1986 TO HEAR AND TO CONSIDER INFORMATION CON- )**  
**CERNING THE PROPOSED ISSUANCE OF MULTIFAMILY HOUSING REVENUE )**  
**BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT )**  
**AUTHORITY (CSCDA) TO PROVIDE FINANCING FOR THE ACQUISITION AND )**  
**THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY RESI- )**  
**DENTIAL RENTAL PROJECT (DEL MONTE PINES APARTMENTS) )**  
**1. RESOLUTION - APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING )**  
**REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES )**  
**DEVELOPMENT AUTHORITY )**

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Assistant Controller Carlton reviewed the item.

Speaking to the issue was Ken Miller, President of Quigley Area Homeowners Association, 625 W. Sussex Way, who stated he did not oppose the project, but requested a continuance to January 5, 1999, adding there were concerns the Association would like to address.

Also speaking to the issue were Anthony Pings, Fig Garden Homeowners Association and Mike Condry, Affordable Housing Corporation, 2202 7<sup>th</sup> Street, Sanger.

Upon call, no one else wished to be heard and President Mathys closed the hearing. Councilmember Steitz left the dias at 10:24 a.m. and returned at 10:27 a.m.

On motion of Council President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the hearing to consider the proposed issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority (CSCDA) to provide financing for the

acquisition and rehabilitation of a Multifamily Residential Rental Project (Del Monte Pines Apartments) continued to January 5, 1999 at 2:30 p.m., by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Mathys
Noes	:	None
Absent	:	Ronquillo, Steitz

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**(9:45 A.M.) HEARING TO APPROVE AN AMENDMENT TO THE CONSOLIDATED PLAN FOR THE TRANSFER OF SECTION 108 LOAN FUNDS** )  
)

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

A motion by Councilmember Bredefeld, seconded by Council President Mathys was made and acted upon after brief discussion.

Councilmember Steitz expressed concern with failed projects that have occurred in the community due to the lack of research and requested staff research the baseball stadium thoroughly, stated he supports the motion to approve the item.

On motion of Councilmember Bredefeld, seconded by Council President Mathys, duly carried, RESOLVED, the Consolidated Plan be amended to reflect the transfer of funds from the failed Fresno Pacific Towers Project to the Downtown Regional Medical Center approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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**(10:00 A.M.) HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION TO VACATE A PORTION OF FRESNO STREET BETWEEN DIVISADERO STREET AND ILLINIOS AVENUE** )  
)  
)  
**1. \* RESOLUTION NO. 98-368 - ORDERING THE VACATION OF A PORTION OF FRESNO STREET BETWEEN DIVISADERO STREET AND ILLINOIS AVENUE** )  
)

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

Councilmember Quintero questioned whether the adjoining property owners were noticed of the proposed vacation with City Design Engineer Kassabian responding.

On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the negative declaration for the proposed vacation approved; and Resolution No. 98-368 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(10:15 A.M.) HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION TO )  
VACATE A PORTION OF FRESNO STREET BETWEEN DIVISADERO STREET )  
AND ILLINOIS AVENUE )  
1. \* RESOLUTION NO. 98-369 - ORDERING THE VACATION OF A PORTION )  
OF FRESNO STREET BETWEEN DIVISADERO STREET AND ILLINOIS AVENUE)

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 98-369 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(3-0) (10:30 A.M..) HEARING TO CONSIDER ADOPTION OF A RESOLUTION )  
TO VACATE A PORTION OF CORNELIA AVENUE AT DANTE AVENUE )  
1. \* RESOLUTION NO. 98-370 - ORDERING THE VACATION OF A PORTION )  
OF CORNELIA AVENUE AT DANTE AVENUE )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

On motion of Council President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the mitigated negative declaration for the proposed vacation approved; and Resolution No. 98-370 hereby adopted, by the following vote:



Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys  
 Noes : None  
 Absent : Ronquillo

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Council President Mathys introduced and welcomed another group of students visiting from Heaton Elementary School.

**(3A) \* BILL NO. B-104 - ORDINANCE NO. 98-96 - AMENDING SECTION 8-1203 )**  
**SUBSECTION 8-1212.1 OF THE FRESNO MUNICIPAL CODE RELATING TO )**  
**MOBILEHOME RENT REVIEW AND STABILIZATION AND AUTOMATIC )**  
**PASS-THROUGH OF ANNUAL GOVERNMENT COSTS )**

Council President Mathys commended those involved in the preparation of the ordinance, stated this ordinance will provide protection to senior citizens with Councilmember Bredefeld concurring.

On motion of Council President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-104 adopted as Ordinance No. 98-96, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Mathys  
 Noes : None  
 Absent : Ronquillo

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**(3B) APPROVE AMENDMENTS TO THE FRESNO MUNICIPAL CODE AND )**  
**THE MASTER FEE RESOLUTION TO CREATE THE SIMPLE TIERED EQUITY )**  
**PROGRAM (STEP) AND THE EMPLOYMENT DEVELOPMENT PROGRAM )**  
**(EDP) )**  
**1. \* BILL NO. B-108 - ORDINANCE NO. 98-97 - REPEALING AND ADDING )**  
**SECTIONS TO THE FRESNO MUNICIPAL CODE TO CREATE THE SIMPLE )**  
**TIERED EQUITY PROGRAM )**  
**2. \* RESOLUTION NO. 98-371 - (AS AMENDED)- 358<sup>th</sup> AMENDMENT TO MFS )**  
**RESOLUTION NO. 80-420 TO ADD SEWER FACILITY CHARGES FOR )**  
**INDUSTRIAL AND COMMERCIAL USERS AND AMEND VARIOUS SEWER )**  
**CONNECTION CHARGES )**  
**3. RESOLUTION - AMENDING THE MAP DESIGNATING THE HERNDON )**  
**TRUNK SEWER SERVICE AREA (REMOVED FROM AGENDA) )**  
**4. RESOLUTION - 359<sup>th</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 )**  
**TO AMEND TRUNK SEWER CHARGES (REMOVED FROM AGENDA) )**

City Manager Reid gave an extensive presentation, which included a power point slide presentation and distributed handouts. Mr. Reid commended staff and citizens who assisted with the completion of the programs, reviewed the history of past sewer connections fees and the reforms that have been done. Mr. Reid continued with a brief synopsis of the Mayor's proposal, and fee reduction, stated instead of increasing the fees each year to reflect the annual cost of providing the program, the City would review the current revenues and operational costs of the department on an annual basis, before allowing any fee increased. Councilmember Perea left the meeting at 10:50 a.m. and returned at 11:00 a.m. Mr. Reid continued the presentation and explained the components for commercial and industrial developments and incentives for

both programs.

Councilmember Steitz stated for the record, the development and adoption of the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP) are two significant pieces of legislation.

Mr. Reid responded to Council questions. Councilmember Bredefeld stated the programs are the direction the City should be going and expressed the need for the City to be more focused and aggressive in making job creation a number one priority in the City. Council commended the involved staff.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 98-371 adopted **AS AMENDED** (to reflect the effective date of January 8, 1999); and the above entitled Bill No. B-108 adopted as Ordinance No. 98-97, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(10:45 A.M.) HEARING TO CONSIDER PLAN AMENDMENT NO. A-98-16, )  
FILED BY MADNAV SURI, FOR 0.6 ACRE OF PROPERTY ON THE NORTH- )  
WESTERLY CORNER OF N. ELEVENTH STREET AND N. CEDAR AVENUE )  
**1. RESOLUTION NO. 98-372 - AMENDING THE WOODWARD PARK** )  
**COMMUNITY PLAN** )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

On motion of Councilmember Bredefeld, seconded by Council President Mathys, duly carried, RESOLVED, the finding of a mitigated negative declaration for Environmental Assessment No. A-98-16, S-98-219 approved; Plan Amendment No. A-98-16 to allow for a deviation from the Woodward Park Community Plan Policy No. 3-4.6 requiring a 20-foot landscaped setback adjacent to arterial streets (Cedar Avenue) approved; and the above entitled Resolution No. 98-372 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(11:00 A.M.) (#1) HEARING TO CONSIDER PLAN AMENDMENT )  
NO. 98-18, REZONING APPLICATION NO. 98-30, FILED BY DAVID )  
OCHOA, FOR 6.3 ACRES LOCATED ON THE NORTHEAST CORNER )  
OF E. BUTLER AND S. CHESTNUT AVENUES )  
**1. RESOLUTION - AMENDING THE ROOSEVELT COMMUNITY PLAN** )

2. BILL - AMENDING THE OFFICIAL ZONE MAP FROM THE )  
C-2/BA-30 ZONE DISTRICT TO THE C-2 ZONE DISTRICT )  
(CONTINUE TO 1/5/99 AT 11:00 A.M.) )

(11:00 A.M.) (#2) DETERMINATION TO HOLD A PUBLIC HEARING )  
TO REVIEW THE FRESNO CITY PLANNING COMMISSION'S ACTION )  
ON VARIANCE APPLICATION NO. V-98-24, FILED BY DAVID OCHOA, )  
FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF )  
S. CHESTNUT AND E. BUTLER AVENUES )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

Councilmember Quintero requested item 11:00 a.m. #2 be discussed before 11:00 A.M. #1 with City Attorney recommended Council defer hearing the 11:00 a.m. (#1) until a decision has been made whether to hold a public hearing to review the Fresno City Planning Commission's action on Variance Application No. V-98-24, filed by the same applicant.

An unidentified women requested the hearing be set for 5:00 P.M. on January 5, 1999, for public convenience and after further discussion, Council concurred the hearing would be scheduled at 11:00 a.m.

On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a public hearing to review the Fresno City Planning Commission's action on Variance Application No. V-98-24, filed by David Ochoa, for property located on the northeast corner of S. Chestnut and E. Butler Avenues, hereby scheduled for January 5, 1999 at 11:00 A.M. (#1), by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

On motion of Councilmember Quintero, seconded by Council President Mathys, duly carried, RESOLVED, the hearing to consider Plan Amendment No. A-98-18, Rezoning Application No. 98-30, filed by David Ochoa, for 6.3 acres located on the northeast corner of E. Butler and S. Chestnut Avenues continued to January 5, 1999 at 11:00 A.M.(#2), by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(11:15 A.M.) HEARING REGARDING INITIATION OF FRESNO- )  
CHANDLER AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN )  
**1. \* RESOLUTION NO. 98-373 - INITIATING THE REPEAL OF THE** )  
**FRESNO-CHANDLER DOWNTOWN AIRPORT ENVIRONS SPECIFIC** )  
**PLAN (1982); REPEAL THE 1993 MASTER PLAN, FRESNO-CHANDLER** )  
**DOWNTOWN AIRPORT (1976); ADOPTION OF A NEW FRESNO-** )

CHANDLER AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN; )  
 AMENDMENT TO AIRPORT RELATED PROPERTY DEVELOPMENT )  
 POLICIES AND STANDARDS OF THE EDISON COMMUNITY PLAN (1977))  
 AMENDMENT TO AIRPORT RELATED PROPERTY DEVELOPMENT )  
 POLICIES AND STANDARDS OF THE ROEDING BUSINESS PARK )  
 REDEVELOPMENT PLAN (1997); AMENDMENT TO AIRPORT RELATED )  
 PROPERTY DEVELOPMENT POLICIES AND STANDARDS OF THE )  
 SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA )  
 PROJECT PLAN (1969); AND AMENDMENT TO FRESNO-CHANDLER )  
 AIRPORT RELATED PROPERTY DEVELOPMENT POLICIES AND )  
 STANDARDS OF THE FRESNO GENERAL PLAN (1984) )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

Planning Manager Yovino clarified for the record, Council would only be initiating the plan, and the resolution initiating the Southwest Fresno General Neighborhood Renewal Area Project Plan and the Roeding Business Park Redevelopment Plan may not have to be amended as a result of the new Fresno-Chandler Airport Master and Environs Specific Plan.

On motion of Council President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, Resolution No. 98-370 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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**(3C) \* BILL NO. B-105 - ORDINANCE NO. 98-98 - AMENDING SECTION 2-1702 OF )**  
**THE FRESNO MUNICIPAL CODE RELATING TO MEMBERSHIP BY PUBLIC SAFETY )**  
**OFFICERS/SUPERVISORS IN THE FIRE AND POLICE RETIREMENT SYSTEM )**  
**1. \* BILL NO. B-106 - ORDINANCE NO. 98-99 - AMENDING SECTION 2-1702A OF )**  
**THE FRESNO MUNICIPAL CODE RELATING TO MEMBERSHIP BY PUBLIC SAFETY )**  
**OFFICERS/SUPERVISORS IN THE FIRE AND POLICE RETIREMENT SYSTEM )**

On motion of Council President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-105 adopted as Ordinance No. 98-98, and B-106 adopted as Ordinance Nos. 98-99, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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(5B) DIRECT CITY MANAGER TO DIRECT THE POLICE DEPARTMENT TO )  
ESTABLISH IN FISCAL YEAR 2000, A FULLY FUNDED ELDERLY ABUSE UNIT - )  
COUNCILMEMBER QUINTERO )

(4-0) Councilmember Quintero stated in Fiscal Year 2000, the Elderly Abuse Unit needed to include a 100% pro-active unit that would employ two detectives, and a secretary, and requested funding be included in the next budget cycle.

City Manager Reid explained the budget process, stated the budget is proposed by the Mayor as outlined in the City Charter, and after brief discussion would provide the necessary information on cost estimates for the proposed unit. No action taken.

(5D) DIRECT CITY ATTORNEY TO DRAFT AN AMENDMENT TO THE FRESNO )  
MUNICIPAL CODE SECTION 8-133.1 - GRAFFITI ABATEMENT COST RECOVERY; )  
PARENTAL CIVIL LIABILITY, TO INCREASE THE PENALTIES FOR GRAFFITI )  
OFFENDERS. AMENDMENT TO BE BROUGHT BACK TO COUNCIL WITHIN 60 DAYS )  
- COUNCILMEMBER PEREA )  
1. DIRECT THE CHIEF OF POLICE TO ASSIGN TWO ADDITIONAL OFFICERS TO )  
GRAFFITI ABATEMENT )

Councilmember Perea requested options the City would have to increase penalties and enforcement and stated two police officers are currently assigned to graffiti abatement and requested the Chief of Police to assign additional officers to perform pro-active work. Brief discussion ensued whether Council could direct staff with City Attorney Montoy stating the above listed item should be a “policy” item, and advised the Municipal Code will be reviewed and a report brought back to Council. Brief discussion ensued relating to educating students and the need to hold violators accountable.

Councilmember Steitz would like included in the report, what divisions the additional officers would be removed from in order to staff the graffiti abatement program.

On motion of Councilmember Perea, seconded by Council President Mathys, duly carried, RESOLVED, the City Attorney thereby directed to amend the Fresno Municipal Code to include increasing parental civil liability and penalties for graffiti offenders, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

- - - -

(11:30 A.M.) HEARING TO CONSIDER FOR ADOPTION AN AMENDMENT TO )  
RESOLUTION OF PUBLIC USE AND NECESSITY NO. 98-302, FOR ACQUISITION )  
OF EASEMENTS FROM HUGO KEVORKIAN, ET AL., AND ADOPT A RESOLUTION )  
OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF EASEMENTS FROM THE )  
DALENA TRUST, ET AL., FOR CONSTRUCTION OF THE GRANTLAND TRUNK )  
SEWER LINE )  
1. \* RESOLUTION NO. 98-374 - AMENDING EXHIBIT “B” TO RESOLUTION NO. )  
98-302 TO REVISE AND REDUCE THE PERMANENT AND TEMPORARY CON- )

STRUCTION OF THE GRANTLAND TRUNK SEWER LINE )  
2. \* **RESOLUTION NO. 98-375** - DETERMINING THAT THE PUBLIC INTEREST AND )  
NECESSITY REQUIRE THE CONSTRUCTION OF THE GRANTLAND AVENUE )  
TRUNK SEWER PROJECT, AND THE ACQUISITION OF PERMANENT AND )  
TEMPORARY CONSTRUCTION EASEMENTS WITHIN OR CONTIGUOUS TO THE )  
GWEN DALENA, ET AL. PROPERTY )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

On motion of Council President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, Resolution No. 98-370, hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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#### **UNSCHEDULED ORAL COMMUNICATION**

APPEARANCE BY DAVID WELLS REGARDING JUVENILE DELINQUENCY )  
IN THE CITY OF FRESNO )

Mr. Wells stated the cost of incarcerating a juvenile in juvenile hall for one year could pay for a sand lot baseball system for children for the purpose of preventing delinquency in the community. Mr. Wells recommended adding a stipulation to the baseball stadium proposal that would tie into children. Mr. Wells also noted he introduced a resolution approximately five years ago relating to electric buses, whereupon the City Clerk's Office was requested to provide copies of said resolution.

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#### **LUNCH RECESS - 11:50 A.M. - 2:09 P.M.**

- - - -

(1:55 P.M.) ACCEPTANCE OF RESIGNATION OF MIKE BRIGGS AND APPOINT- )  
MENT OF TOM BOYAJIAN TO THE OFFICE OF FIRST DISTRICT COUNCILMEMBER )  
1. RESOLUTION NO. 98-376 - DECLARING A VACANCY IN THE OFFICE OF )  
COUNCILMEMBER FOR DISTRICT ONE AND APPOINTING TOM BOYAJIAN TO )  
SERVE THE REMAINDER OF THE UNEXPIRED TERM )

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the acceptance of the resignation of Mike Briggs and appointment of Tom Boyajian to the Office of First District Councilmember approved; and Resolution No. 98-376 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

City Clerk Klisch administered the oath of office to Councilmember Elect Tom Boyajian. Councilmember Boyajian thanked everyone for their hard work during his campaign. Speaking on behalf of Councilmember Boyajian were his brother, Dick Boyajian, John Ohanian and Ken Miller. Council, City Manager Reid, City Attorney Montoy and City Clerk Klisch congratulated and welcomed Councilmember Boyajian.

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**RECEPTION HELD FOR THE NEW COUNCILMEMBER ELECT BOYAJIAN  
- 2:33 P.M. - 3:04 P.M.**

**CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-5) \* RESOLUTION NO. 98-377 - 55<sup>TH</sup> AMENDMENT TO AAR NO. 98-159** )  
**APPROPRIATING \$500 FROM DISTRICT 2'S INFRASTRUCTURE CAPITAL** )  
**BUDGET TO SPONSOR THE LIDDELL UNITED SOCCER CLUB** )

A motion to adopt the above listed resolution was acted upon after brief discussion.

Councilmember Steitz expressed concern with Council appropriating funds to support private organizations, and stated he will be voting no.

On motion of Council President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, Resolution No. 98-377 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Mathys
Noes	:	Steitz
Absent	:	Ronquillo

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**(5-0) (1A-6) \* RESOLUTION NO. 98-378 - 56<sup>TH</sup> AMENDMENT TO THE AAR NO. 98-159** )  
**APPROPRIATING \$900 FROM DISTRICT 7'S GENERAL INFRASTRUCTURE CAPITAL** )  
**BUDGET TO FUND THE AFTER SCHOOL HOME CENTER AT KINGS CANYON** )  
**MIDDLE SCHOOL** )

A motion to adopt the above listed resolution was acted upon after brief discussion.

Councilmember Steitz stated he would be voting no, and added Fresno Unified School District has surplus funds, noted the money should be used to repair structures in the City.

On motion of Councilmember Perea, seconded by Council President Mathys, duly carried, RESOLVED, Resolution No. 98-378, hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Mathys  
Noes : Steitz  
Absent : Ronquillo

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**(1A-7) \* RESOLUTION NO. 98-379 - 57<sup>TH</sup> AMENDMENT TO AAR NO. 98-159** )  
APPROPRIATING \$1,500 FROM DISTRICT 7'S GENERAL INFRASTRUCTURE )  
CAPITAL BUDGET TO FUND THE FRESNO CITY COLLEGE COMMUNITY SWIM )  
PROGRAM )

A motion to adopt the above listed resolution was acted upon after brief discussion.

Councilmember Steitz stated he would be voting no, and added the State has funds to pay for the swim program.

On motion of Councilmember Perea, seconded by Council President Mathys, duly carried,  
RESOLVED, Resolution No. 98-379, hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Mathys  
Noes : Steitz  
Absent : Ronquillo

- - - -

**AWARD A REQUIREMENTS CONTRACT FOR LANDSCAPE MAINTENANCE** )  
**SERVICES AT CITY HALL** )

Councilmember Bredefeld expressed concern with awarding a contract to a company located in Bakersfield, and Supervising Buyer Martin responded, stating the company has a local office in Fresno that falls under local preference. Brief discussion ensued.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried,  
RESOLVED, the contract with Grover Landscape Services in the amount of \$36,375.60 to perform  
landscape maintenance services at City Hall, hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Steitz, Mathys  
Noes : None  
Absent : Ronquillo

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**(1B-1) \* BILL AMENDING SECTION 9-804 OF THE FRESNO MUNICIPAL CODE** )  
**RELATING TO PUBLIC NUISANCES, BY DECLARING A PAY TELEPHONE,** )  
**WHEREIN CERTAIN CONDITIONS EXIST, TO BE A PUBLIC NUISANCE** )

A motion to introduce the bill was acted upon after brief discussion.



Extensive discussion ensued relating to pulling permits to install pay telephones, fees involved and code enforcement with Planning Manager Yovino responding.

City Attorney Montoy clarified the bill, stated if adopted, the new ordinance would compile issues relating to public telephones that may constitute a public nuisance into one ordinance for easier enforcement, and added, if the ordinance was not introduced and adopted, people would still be required to obtain a permit to install pay telephones.

Speaking to the issue was Larry Taylor, Pacific Bell, 39 Beta Court, San Ramon, stated Pacific Bell would work with the City, State and community to reduce pay telephones being public nuisances.

A substitute motion was made to introduce the Bill deleting Numbers (1), (2) and (3), was acted upon after extensive discussion.

Councilmember Quintero questioned placing a "sunset clause" in the ordinance with Ms. Montoy responding. Extensive discussion ensued regarding concerns of high crime areas and the necessity to remove the pay telephones from those areas, and enforceability of the old ordinance versus the revised one. City Manager Reid questioned the use of some existing administrative tools that could be utilized, stated a pay telephone that is a public nuisance may be removed by use of these tools, with Mr. Yovino responding.

A substitute motion by Councilmember Steitz, seconded by Council President Mathys, to introduce the above entitled Bill deleting Numbers (1), (2) and (3) of subsection (h) on page 1 of the Bill failed, by the following vote:

Ayes	:	Boyajian, Steitz, Mathys
Noes	:	Bredefeld, Perea, Quintero
Absent	:	Ronquillo

A motion of Councilmember Perea, seconded by Councilmember Bredefeld, to introduce the above entitled Bill failed, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero
Noes	:	Boyajian, Steitz, Mathys
Absent	:	Ronquillo

Councilmember Perea requested the above entitled bill be placed on the December 15, 1998 agenda for introduction and Council President Mathys requested a bill deleting Nos. 1, 2 and 3 be added as Alternative 1.

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**CLOSED SESSION:**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -	)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) - CASE NAME	)

1. MYRNA LORAN V. CITY OF FRESNO )  
  
**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -** )  
**GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) - CASE NAME** )  
**1. CLAIM OF ROSCOE TEAGUE** )

**C. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION** )  
**54957.6 (COUNCILMEMBER PEREA)** )  
**CITY NEGOTIATOR(S): JEFFREY M. REID, JORGE AGUINIGA, ANDREW T. SOUZA** )  
**EMPLOYEE ORGANIZATION(S): CITY OF FRESNO PROFESSIONAL EMPLOYEES** )  
**ASSOCIATION (CFPEA)** )

The Council met in closed session in Room 2125 at the hour of 3:41 p.m. to consider the above issue, and convened in joint session with the Redevelopment Agency at the hour of 4:22 p.m. Councilmember Quintero arrived shortly thereafter.

**(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY** )

**APPROVE AGENCY MINUTES OF DECEMBER 1, 1998** )

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of December 1, 1998, approved as submitted.

**(“A”) HEARING TO CONSIDER MATTERS RELATING TO THE PROPOSED HAUTER** )  
**FAMILY DEVELOPMENT IN THE JEFFERSON REDEVELOPMENT PROJECT AREA** )  
**1. ADOPT THE NEGATIVE DECLARATION UNDER ENVIRONMENTAL ASSESS-** )  
**MENT (E.A.) NO. S-98-291** )

**2. COUNCIL RESOLUTION NO. 98-380; AGENCY RESOLUTION NO. 1500 -** )  
**APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE** )  
**REDEVELOPMENT AGENCY (“AGENCY”) AND MOHAMED S. AND GAMILAH** )  
**HAUTER, HUSBAND AND WIFE (“THE HAUTERS”) REGARDING A PROPOSED** )  
**COMMERCIAL MIXED-USE DEVELOPMENT AT 264-274 N. FRESNO STREET, AND** )  
**FACADE IMPROVEMENTS TO 288-294 N. FRESNO STREET (COUNCIL AND AGENCY** )  
**ACTION)** )

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Negative Declaration under Environmental Assessment (E.A.) No. S-98-291 approved; Council Resolution Nos. 98-380 and Agency Resolution No. 1500 adopted; authorizing and directing the

Agency Executive Director or his designee to sign the DDA and related documents to carry out the purposes and intent of the DDA, e.g., signing the deed from the Agency to the Hauters, and any escrow instructions approved, by the followed vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Steitz, Mathys  
Noes : None  
Absent : Ronquillo

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(“B”) CONSIDER MATTERS RELATING TO THE AIRPORT AREA REVITALIZATION )  
REDEVELOPMENT PROJECT )  
**1. RESOLUTION NO. 98-381 - INITIATING PREPARATION OF A REDEVELOPMENT** )  
**PLAN FOR THE REDEVELOPMENT OF THE AIRPORT AREA REVITALIZATION** )  
**REDEVELOPMENT PROJECT (COUNCIL ACTION)** )  
**2. RESOLUTION NO. 1501 - ACCEPTING THE PRELIMINARY PLAN, DIRECTING** )  
**THE PREPARATION OF AN OFFICIAL PLAN USING TAX INCREMENT FINANCING** )  
**FOR THE REDEVELOPMENT OF THE AIRPORT AREA REVITALIZATION REDE-** )  
**VELOPMENT PROJECT AREA AND AUTHORIZING AND DIRECTING SUBMITTAL** )  
**OF INFORMATION TO TAXING OFFICIALS AND AGENCIES (AGENCY ACTION)** )

A motion and a second to approve the above was acted upon after brief discussion.

Councilmember Bredefeld questioned the cost for the preparation of the redevelopment plan with Executive Director Fitzpatrick responding, stated the above is only initiating the plan.

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, accepting the preliminary Plan for the Airport Area Revitalization Redevelopment Project approved, Council Resolution Nos. 98-381 and Agency Resolution No. 1501 adopted; directing and authorizing the preparation of an official Redevelopment Plan using tax increment financing and directing

and authorizing the Executive Director to transmit information, as required in Health and Safety Code Sections 33327 and 33328 to the appropriate taxing officials and agencies, by the followed vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Steitz, Mathys  
Noes : None  
Absent : Ronquillo

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The joint bodies adjourned at 4:27 p.m. and reconvened in regular Council session.

**(3:00 P.M.) DIRECT STAFF TO ENFORCE ALL LAWS AND CODE VIOLATIONS -** )  
**COUNCILMEMBER BREDEFELD** )

Councilmember Bredefeld stated this issue was placed on the agenda due to an article written in the Fresno Bee wherein it stated the City Manager did not see the enforcement of the smoking ban in bars and restaurants as a priority, and expressed concern with not enforcing other City codes and laws such as red light running, not enforcing off-site residential subdivision signs, and sign ordinances and elaborated.

Extensive discussion ensued regarding “prioritizing” violations, public safety and staffing. (6-0) City Manager Reid discussed the Fresno Bee article, stated the article discussed several different communities and the strategies used to enforce the new state mandate and explained the procedure the City uses to enforce the smoking ordinance.

Councilmember Quintero discussed working jointly with the County of Fresno with Mr. Reid responding.

Councilmember Bredefeld expressed concern with not enforcing the smoking ordinance, stated there are health issues involved as well as impacting the business of some bars trying to enforce the ordinance, and emphasized the need for Council to direct the City Manager to direct the Chief of Police to enforce all laws and elaborated.

A motion to direct staff to enforce all laws and code violations and to direct the City Manager to assure compliance was acted upon after extensive discussion.

Councilmember Perea stated he would second the motion, and added Council needs to take a stand whether it is adding more staff or redirecting staff to enforce all codes. City Attorney Montoy stated the issue is one of perspective, one perspective being that all laws are being enforce and another perspective is they are not, noted if one reads this motion literally, someone might think the codes are not being enforced and if the motion were to pass, several offices would be impacted because they would not be able to prioritize. Ms. Montoy advised the need for more discussion on the topic and elaborated.

Discussion ensued regarding the smoking ordinance, with Councilmember Boyajian stating the difficulty of enforcing the smoking ordinance was the lack of revenue and requested the City Manager find funding sources and information to enforce the smoking ordinance, and recommended the motion be modified to have the City Manager find revenue to enforce the smoking ordinance.

Speaking to the issue was Roslyn Clark, who spoke in support of enforcing all laws and code violations.

On motion of Council President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, Council recess to attend the 5:00 p.m. Christmas tree lighting ceremony and reconvene to continue discussion of the above item approved, by the following vote:

Ayes	:	Boyajian, Perea, Quintero, Steitz, Mathys
Noes	:	Bredefeld
Absent	:	Ronquillo

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<b>5:00 P.M. INVITATION FROM THE HISTORICAL SOCIETY TO PARTICIPATE IN</b>	)
<b>THE CHRISTMAS TREE LIGHTING CEREMONY (2<sup>ND</sup> FLOOR FOYER) - MAYOR</b>	)
<b>PATTERSON</b>	)

Ceremony held.

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**RECESS - 5:12 P.M. - 5:32 P.M.** Councilmember Steitz returned to the meeting at 5:39 p.m.

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to direct staff to enforce all laws and code violations and to direct the City Manager to assure compliance failed, by the following vote:

Ayes : Bredefeld, Perea,  
Noes : Boyajian, Quintero  
Absent : Ronquillo, Steitz  
Abstain : Mathys

- - - -

**(3:15 P.M.) \* DIRECT STAFF TO COMPLETE A LEASE AGREEMENT WITHIN 30 )**  
**DAYS WITH MANCHESTER CENTER TO OPEN A FULL SERVICE UTILITY )**  
**DEPARTMENT USING THE \$138,000 APPROVED IN THE FY 98/99 BUDGET - )**  
**COUNCILMEMBER PEREA )**

Councilmember Perea gave a brief overview for Councilmember Boyajian.

A motion to complete the lease agreement with Manchester Center was acted upon after brief discussion.

City Manager Reid stated staff effort was not focused on who was going to use a full service type center, but rather focused on who was receiving cut off notices and cash paying customers. **(7-0)** Mr. Reid discussed establishing a variety of pay centers throughout the City to match service with other utilities such as Pacific Bell and PG&E for customer convenience, and elaborated.

Councilmember Steitz requested all the options be provided to his office, and stated he would not support the project until all the documents have been reviewed.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, staff directed to complete a lease agreement within 30 days with Manchester Center and to open a full service utility department using the \$138,000 approved in the FY98/99 budget approved, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Mathys  
Noes : None  
Absent : Ronquillo  
Abstain : Boyajian, Steitz

- - - -

**(3:30 P.M.) HEARING TO CONSIDER THE USE OF \$1,522,637 RECEIVED UNDER )**  
**THE FY '98 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FROM THE )**  
**U.S. DEPARTMENT OF JUSTICE )**  
**1. \* RESOLUTION NO. 98-382 - 8<sup>TH</sup> AMENDMENT TO PAR NO. 98-160 ADDING )**  
**ELEVEN (11) POSITIONS TO MEET NEEDS OF THE EXPANDING FRESNO )**  
**POLICE DEPARTMENT )**

Council President Mathys announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Council President Mathys closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, and Resolution No. 98-382 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:** )

City Attorney Montoy announced , as required under the Brown Act, the claim of Roscoe Teague in the amount of \$1 million, personal injury claim in connection with an alleged improper search for a missing four-year old son, discrimination and violation of civil rights was denied, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Ronquillo

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**ADJOURNMENT** )

There being no further business to bring before the Council, the hour of 5:45 p.m. having arrived and hearing no objections, Council President Mathys declared the meeting a adjourned.

DATED this 15<sup>th</sup> day of December, 1998.

_____	ATTEST: _____
Chris Mathys, Council President	Cindy Hamby, Deputy City Clerk

